IN THE HIGH COURT OF JUDICATURE,
ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.22020 OF 1997

Dated: January 31, 2007

Between:

Padmasali Seva Samaj Trust, Suryapet,
Nalgonda District, rep. by its Secretary
P. Pandu, S/o. Durgaiah, 52 years,
Business, R/o. Suryapet.

... Petitioner

And

District Collector, Nalgonda District,
Nalgonda, and others.

... Respondents

Order:

This Writ Petition has been filed seeking Mandamus to declare the action of the respondents in trying to demolish constructions raised by the petitioner in northern portion of House No.1-7-93, situated at Suryapet, Nalgonda District, without due process of law, as illegal and arbitrary.

2. The case of the petitioner, a registered Trust, is that

it had purchased an open plot admeasuring 225.10 Sq. yards. At P. Sriramulu Road, Suryapet, Nalgonda District, bearing No.1-7-93, constructed mulgies therein and leased them out to third parties. It is stated that construction has been made in accordance with the sanction plan obtained from the competent authority. The grievance of the petitioner is that respondents, without any authority of law and without issuing prior notice made an attempt to demolish certain portion of the structures raised by it on 10-09-1997. At that stage, petitioner had come up with this writ Petition.

3. This court, while admitting the Writ Petition, by order dated
12-09-1997, passed in W.P.M.P.No.26821 of 1997, stayed the demolition of the structure of the petitioner on the northern side, pending further orders. Subsequently, while granting three weeks' time finally to the respondents to file counter affidavit, this court extended the interim order granted earlier. Though the Writ Petition has been pending since the last ten years, no counter affidavit has been filed till date.

4. As much as it is the case of the petitioner that it has raised structures in accordance with the sanction plan and no reasons were indicated for the alleged demolition, by issuing any prior notice,
I dispose of the Writ Petition directing the respondents not to demolish the structures raised by the petitioner in the aforementioned land, or any part thereof, unless he is

notified by a reasoned notice. It is made clear that if the respondents propose to demolish the structures raised by the petitioner or any part thereof, they shall do so after putting the petitioner on notice and by following due process of law. No costs.

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JUSTICE R. SUBHASH REDDY.

January 31, 2007
MRR